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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 EDDIE RENCHER, JR.,
10 Petitioner,
11 vs.
12 BRIAN WILLIAMS, SR.,
13 Respondents.

Case No. 2:12-cv-01258-PMP-GWF
ORDER

14
15 Petitioner, who is a prisoner in the custody of the Nevada Department of Corrections, has
16 submitted two applications to proceed in forma pauperis (#1, #4) and a petition for a writ of habeas
17 corpus pursuant to 28 U.S.C. § 2254. The court finds that petitioner is unable to pay the filing fee.

18 Petitioner also has submitted a motion for appointment of counsel (#2). Whenever the Court
19 determines that the interests of justice so require, counsel may be appointed to any financially
20 eligible person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B). After reviewing
21 the petition for a writ of habeas corpus, the court concludes that the issues presented warrant the
22 appointment of counsel.

23 IT IS THEREFORE ORDERED that the applications to proceed in forma pauperis (#1, #4)
24 are **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

25 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of
26 habeas corpus pursuant to 28 U.S.C. § 2254.

27 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (#2) is
28 **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

1 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days
2 from the date that this order is entered to undertake direct representation of petitioner or to indicate
3 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender
4 does undertake representation of petitioner, he shall then have sixty (60) days to file an amended
5 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,
6 then the court shall appoint alternate counsel.

7 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney
8 General for the State of Nevada, as counsel for respondents.

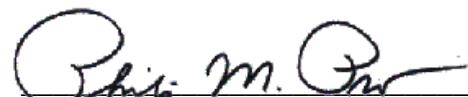
9 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney
10 General of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of
11 this order.

12 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of appearance
13 herein within twenty (20) days of entry of this order, but no further response shall be required from
14 respondents until further order of the court.

15 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a
16 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
17 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
18 in the attachment. The hard copy of any additional state court record exhibits shall be
19 forwarded—for this case—to the staff attorneys in Las Vegas.

20 DATED: November 21, 2012

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PHILIP M. PRO
United States District Judge